

THE HONORABLE JAMAL N. WHITEHEAD

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN RE VALVE ANTITRUST LITIGATION

Case No. 2:21-cv-00563-JNW

**STIPULATED MOTION REGARDING  
SEALING OF PLAINTIFFS'  
SUPPLEMENTAL BRIEF IN  
RESPONSE TO DEFENDANT'S  
MOTION TO EXCLUDE  
TESTIMONY OF STEVEN  
SCHWARTZ, PH.D.**

**NOTE ON MOTION CALENDAR:  
September 9, 2024**

The Parties hereby present the following joint stipulation regarding sealing of Plaintiffs' Supplemental Brief in Response to Defendant's Motion to Exclude the Testimony of Steven Schwartz, Ph.D.

The Parties have met and conferred with respect to Plaintiffs' upcoming Supplemental Brief in Response to Defendant's Motion to Exclude the Testimony of Steven Schwartz, Ph.D. The Parties expect that the brief and its supporting Schwartz Sur-Reply Report will contain numerous references to materials designated as "Confidential" or "Highly Confidential Attorneys' Eyes Only Materials" under the August 16, 2022 Stipulated Protective Order (Dkt. 95). The Parties intended the prior

1 stipulation (Dkt. 308) to apply to all anticipated briefing on Defendant's Motion to Exclude the  
 2 Testimony of Steven Schwartz, Ph.D. However, out of an abundance of caution, the Parties are  
 3 submitting this stipulation to specifically address this supplemental brief and its supporting  
 4 materials.

5 The Parties have agreed to the following procedure, consistent with prior practice in this  
 6 matter, and respectfully request the Court enter an order reflecting the Parties' stipulation.

7 1. Plaintiffs may initially file under seal their Supplemental Brief in Response to  
 8 Defendant's Motion to Exclude the Testimony of Steven Schwartz, Ph.D., including all exhibits and  
 9 declarations on which they rely, consistent with prior practice in this matter including stipulated  
 10 Orders in this case (*see* Dkts. 177, 227, 308), and pursuant to LCR 5(g)(2).

11 2. The Parties agree that the deadline for any party or non-party to move to seal  
 12 materials associated with Plaintiffs' Supplemental Brief in Response to Defendant's Motion to  
 13 Exclude the Testimony of Steven Schwartz, Ph.D. shall be extended to September 30, 2024. The  
 14 Parties further agree that (1) any responses from parties and non-parties must be filed by October  
 15 14, 2024, and (2) any replies must be filed by October 21, 2024.

16 3. The Parties shall meet and confer and jointly file redacted public versions of  
 17 Plaintiffs' Supplemental Brief in Response to Defendant's Motion to Exclude the Testimony of  
 18 Steven Schwartz, Ph.D. by October 28, 2024, redacting all material that any party or non-party  
 19 moved to seal.

20 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

21 DATED this 9th day of September, 2024.

22 /s/ Alicia Cobb

23 Alicia Cobb, WSBA #48685  
 24 QUINN EMANUEL URQUHART &  
 25 SULLIVAN, LLP  
 1109 First Avenue, Suite 210  
 26 Seattle, Washington 98101  
 Phone (206) 905-7000  
 Fax (206) 905-7100  
 aliciacobb@quinnemanuel.com

22 /s/ Stephanie L. Jensen

Stephanie L. Jensen, WSBA #42042  
 Tyre L. Tindall, WSBA #56357  
 WILSON SONSINI GOODRICH &  
 ROSATI P.C.  
 701 Fifth Avenue, Suite 5100  
 Seattle, WA 98104-7036  
 Phone (206) 883-2500  
 Fax (206) 883-2699  
 sjensen@wsgr.com  
 ttindall@wsgr.com

1 Steig D. Olson (*pro hac vice*)  
David LeRay (*pro hac vice*)  
2 Nic V. Siebert (*pro hac vice*)  
Andrew Faisman (*pro hac vice*)  
3 QUINN EMANUEL URQUHART &  
SULLIVAN, LLP  
4 51 Madison Avenue  
New York, New York 10010  
5 Phone (212) 849-7231  
Fax (212) 849-7100  
6 steigolson@quinnemanuel.com  
davidleray@quinnemanuel.com  
7 nicolassiebert@quinnemanuel.com  
andrewfaisman@quinnemanuel.com

8 Adam Wolfson (*pro hac vice*)  
9 QUINN EMANUEL URQUHART &  
SULLIVAN, LLP  
10 865 S. Figueroa St., 10th Floor  
Los Angeles, California 90017  
11 Phone (213) 443-3285  
Fax (213) 443-3100  
12 adamwolfson@quinnemanuel.com

13 Ankur Kapoor (*pro hac vice*)  
Noah Brecher-Redd (*pro hac vice*)  
14 CONSTANTINE CANNON LLP  
6 East 43rd St., 26th Floor  
15 New York, NY 10017  
Phone (212) 350-2700  
16 Fax (212) 350-2701  
akapoor@constantinecannon.com  
17 nbrecker-redd@constantinecannon.com

18 J. Wyatt Fore (*pro hac vice*)  
CONSTANTINE CANNON LLP  
19 1001 Pennsylvania Ave., NW, Suite 1300N  
Washington, D.C. 20004  
20 Phone (202) 204-4527  
Fax (202) 204-3501  
21 wfore@constantinecannon.com

22 *Interim Co-Lead Counsel*

23 Kenneth J. Rubin (*pro hac vice*)  
Timothy B. McGranor (*pro hac vice*)  
24 Kara M. Mundy (*pro hac vice*)  
Douglas R. Matthews (*pro hac vice*)  
25 VORYS, SATER, SEYMOUR AND  
PEASE LLP  
26 52 East Gay Street  
Columbus, Ohio 43215  
27 Phone (614) 464-6400

28 Stip. Mot. Regarding Sealing  
of Plaintiffs' Supp. Br.  
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Kenneth R. O'Rourke (*pro hac vice*)  
Jordanne M. Steiner (*pro hac vice*)  
WILSON SONSINI GOODRICH &  
ROSATI, P.C.  
1700 K Street, NW, Suite 500  
Washington, DC 20006  
Phone (202) 973-8800  
Fax (202) 973-8899  
korourke@wsgr.com  
jordanne.miller@wsgr.com

W. Joseph Bruckner (*pro hac vice*)  
Joseph C. Bourne (*pro hac vice*)  
Laura M. Matson (*pro hac vice*)  
LOCKRIDGE GRINDAL NAUEN P.L.L.P.  
100 Washington Avenue S, Suite 2200  
Minneapolis, MN 55401  
Phone: (612) 339-6900  
Fax: (612) 339-0981  
wjbruckner@locklaw.com  
jcbourne@locklaw.com  
lmmatson@locklaw.com

Kyle Pozan  
LOCKRIDGE GRINDAL NAUEN P.L.L.P.  
1165 N. Clark Street, Suite 700  
Chicago, IL 60610  
Phone (612) 339-6900  
Fax (612) 339-0981  
kjpozan@locklaw.com

*Interim Co-Lead Counsel*

QUINN EMANUEL URQUHART & SULLIVAN LLP  
1109 FIRST AVENUE, SUITE 210  
SEATTLE, WASHINGTON 98101

1 Fax (614) 719-4796  
2 kjrubin@vorys.com  
3 tbmcgranor@vorys.com  
4 kmmundy@vorys.com  
5 drmatthews@vorys.com

6 Thomas N. McCormick (*pro hac vice*)  
7 VORYS, SATER, SEYMOUR AND  
8 PEASE LLP  
9 4675 MacArthur Court, Suite 700  
10 Newport Beach, California 92660  
11 Phone (949) 526-7903  
12 Fax (949) 383-2384  
13 tnmccormick@vorys.com

14 *Executive Committee Member*

15 /s/ Blake Marks-Dias

16 Blake Marks-Dias, WSBA No. 28169  
17 Eric A. Lindberg, WSBA No. 43593  
18 CORR CRONIN LLP  
19 1015 Second Avenue, Floor 10  
20 Seattle, WA 98104  
21 (206) 625-8600 Phone  
22 (206) 625-0900 Fax  
23 bmarksdias@corrchronin.com  
24 elindberg@corrchronin.com

25 Kristen Ward Broz  
26 FOX ROTHSCHILD LLP  
27 2020 K. St. NW, Ste. 500  
28 Washington, DC 20006  
Telephone (202) 794-1220  
Fax (202) 461-3102  
kbroz@foxrothschild.com

Nathan M Buchter (*pro hac vice*)  
FOX ROTHSCHILD LLP  
2000 Market Street STE 20TH FL  
Philadelphia, PA 19103  
Telephone (215) 299-3010  
nbuchter@foxrothschild.com

Charles B. Casper (*pro hac vice*)  
Jessica Rizzo (*pro hac vice*)  
Peter Breslauer (*pro hac vice*)  
Robert E. Day (*pro hac vice*)  
MONTGOMERY McCracken Walker  
& Rhoads LLP

Stip. Mot. Regarding Sealing  
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QUINN EMANUEL URQUHART & SULLIVAN LLP  
1109 FIRST AVENUE, SUITE 210  
SEATTLE, WASHINGTON 98101

1 1735 Market Street, 21st Floor  
Philadelphia, PA 19103  
2 Telephone (215) 772-1500  
ccasper@mmwr.com  
3 jrizzo@mmwr.com  
4 pbreslauer@mmwr.com  
rday@mmwr.com

5 *Attorneys for Defendant Valve Corporation*  
6  
7  
8  
9  
10  
11  
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13  
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1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

2 DATED this \_\_\_\_ day of \_\_\_\_\_, 2024.

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4 Jamal N. Whitehead

5 UNITED STATES DISTRICT JUDGE  
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